

# Exhibit A

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Case #20CV372622  
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ORDER ON SUBMITTED MATTERS

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA

TEMUJIN LABS INC.,

Plaintiff,

vs.

ARIEL ABITTAN, et al.,

Defendants.

Case No.: 20CV372622

**ORDER CONCERNING DEFENDANTS  
AND CROSS-COMPLAINANTS  
BENJAMIN FISCH'S AND CHARLES  
LU'S MOTION FOR SANCTIONS  
(AND ARIEL ABITTAN'S JOINDER)**

TEMUJIN LABS INC.,

Plaintiff,

vs.

FRANK FU, et al.,

Defendants.

Case No.: 21CV375422

**ORDER CONCERNING DEFENDANT  
AND CROSS-COMPLAINANT FRANK  
FU'S MOTION FOR SANCTIONS (AND  
ARIEL ABITTAN'S PURPORTED  
JOINDER)**

AND RELATED CROSS-ACTIONS.

T These related actions arise from the business dealings of: (1) Temujin Labs Inc., a Delaware corporation ("Temujin"); (2) a related Cayman Islands corporation; and (3) Temujin's

1 co-founders, who go by the aliases of Lily Chao and Damien Ding.<sup>1</sup> These business dealings  
2 involve the development of Temujin as a financial technology company operating under the  
3 name “Findora.”

4 In Case No. 20CV372622 (“*Abittan*”), Temujin alleges that Defendants and Cross-  
5 Complainants Ariel Abittan, Benjamin Fisch, and Charles Lu conspired to: (a) assert a false  
6 claim of ownership of its business; (b) misappropriate its trade secrets; (c) usurp and interfere  
7 with control over its assets, such as social media accounts; and (d) interfere with its relationships  
8 with investors and business partners. Mr. Abittan, a former business partner of Ms. Chao and  
9 Mr. Ding, filed a cross-complaint alleging, among other things, that Ms. Chao and Mr. Ding  
10 stole from and defamed him. Mr. Fisch and Mr. Lu filed a separate cross-complaint, asserting  
11 that Ms. Chao and Mr. Ding misrepresented a host of important facts about their business and  
12 activities to induce Mr. Fisch and Mr. Lu to work for Temujin.

13 In Case No. 21CV375422 (“*Fu*”), Temujin alleges that its former consultant, Defendant  
14 and Cross-Complainant Franklin Fu, demanded additional under-the-table payments for himself  
15 and secret payments to certain investors rather than performing his duties in good faith. In a  
16 cross-complaint, Mr. Fu alleges that Ms. Chao and Mr. Ding repeatedly lied to him about a range  
17 of subjects, including Temujin’s technology and even their own identities.

18 Now before the Court are: (1) a motion for issue and monetary sanctions by Mr. Fisch  
19 and Mr. Lu; and (2) a motion for issue, evidentiary and terminating sanctions by Mr. Fu.<sup>2</sup> The  
20 Temujin Parties filed separate oppositions to each motion. As discussed below, the Court  
21 GRANTS both motions in large part.

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26 <sup>1</sup> The Temujin entities, a related entity called Discreet Labs Ltd., Ms. Chao, and Mr. Ding are  
27 referred to collectively herein as the “Temujin Parties.”

28 <sup>2</sup> Mr. Abittan moves to join in both motions, which the Court GRANTS in *Abittan* and DENIES  
in *Fu* (as he is not a party in that case).

1 **I. BACKGROUND**

2 In *Abittan*, the Court lifted the initial discovery stay on May 19, 2021. *Fu* was not  
3 originally designated as complex, and no discovery stay was entered when it was so designated  
4 in January 2022. Still, the parties and the Court have agreed to prioritize certain “identity”-  
5 related discovery in preparation for a mediation scheduled for mid-June 2023.

6 Accordingly, Mr. Fisch and Mr. Lu and, separately, Mr. Fu propounded written discovery  
7 requests concerning Ms. Chao and Mr. Ding’s identities. In an order filed on August 22, 2022  
8 (“August 22 Order”), the Court granted their motions to compel further, substantive responses to  
9 those requests, concluding that there was good cause for the discovery of Ms. Chao’s and Mr.  
10 Ding’s identities and aliases.<sup>3</sup>

11 Meanwhile, disputes arose about Ms. Chao and Mr. Ding’s compliance with the August  
12 22 Order, specifically with regard to their failure to disclose their Chinese character names. On  
13 the date set by the Court for production, instead of complying with the August 22 Order, the  
14 Temujin Parties filed a motion to disqualify counsel and to “clarify” the August 2022 Order.

15 In response, Mr. Fu applied ex parte for an order compelling compliance with the August  
16 22 Order, which Mr. Fisch and Mr. Lu joined. On September 29, the Court granted the ex parte  
17 application (the “September 29 Order”), requiring the Temujin Parties to produce documents on  
18 or before October 6, and denied the Temujin Parties’ motion for clarification of the Court’s prior  
19 order.

20 On October 6, the Temujin Parties produced only heavily redacted and illegible copies of  
21 two drivers’ licenses and emails with various aliases, and failed to produce complete records of  
22 Ms. Chao and Mr. Ding’s true identities, such as passports and other documents. No explanation  
23 was offered for the redactions. Further, although the production contained electronic data, none  
24 of the documents were produced with any of the accompanying metadata as required by  
25 California law.

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28 <sup>3</sup> Mr. Fisch and Mr. Lu specifically moved to compel further responses to Requests for  
Production of Documents (“RFPs”) (Set One) Nos. 25 and 26.

1           Consequently, in October 2022, Mr. Fisch and Mr. Lu, as well as Mr. Fu, were forced to  
2 file additional motions to compel further production regarding Ms. Chao and Mr. Ding's Chinese  
3 character names. On November 21, the Court granted both motions (the "November 21 Order").  
4 The Temujin Parties were required to make the ordered production within 10 calendar days of  
5 the filing of the Court's order.

6           On December 1, the Temujin Parties produced one additional document, which is a  
7 heavily redacted and illegible version of Ms. Chao's passport. No documents were provided  
8 showing Mr. Ding's Chinese character name. Mr. Fisch and Mr. Lu notified the Temujin Parties  
9 of their continued failure to comply with the Court's August 22, September 29 and November 21  
10 Orders and stated that if this failure was not remedied by December 23, they would seek  
11 sanctions for their repeated refusal to comply.

12           At the January 19, 2023 case management conference, the Court expressed concerns with  
13 how long it was taking the Temujin Parties to comply with its prior orders; noted that the parties  
14 should meet and confer to try to resolve the issue once and for all; and that Mr. Fisch, Mr. Lu  
15 and Mr. Fu could file motions for sanctions if necessary. On January 27, the parties met and  
16 conferred, at which time counsel for the Temujin Parties agreed to produce clearer versions of  
17 the identity documents and stated they would articulate what additional identity documents  
18 would be produced by the following week.

19           No additional documents were produced as promised. Therefore, on May 1, Mr. Fisch  
20 and Mr. Lu filed the instant motion for issue and monetary sanctions. That same day, Mr. Fu  
21 filed his own motion for issue, terminating, and monetary sanctions. In their motion, Mr. Fisch  
22 and Mr. Lu maintain that sanctions are not only warranted for the Temujin Parties' non-  
23 compliance with the Court's prior orders, but also because the Temujin Parties have engaged in  
24 evidence spoliation. Mr. Fu makes the same arguments. The Temujin Parties oppose both  
25 motions. The Court held oral argument on these motions on May 25, and took the matters under  
26 submission.  
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## II. DISCUSSION

### A. Legal Standard

In both motions, the moving parties request that the Court impose sanctions pursuant to Code of Civil Procedure section 2023.030 (“Section 2023.030”), subdivision (b). This code section authorizes the Court to impose various types of sanctions against anyone engaging in conduct that is a “misuse of the discovery process,” to wit:

- (1) A monetary sanction ordering that the party engaging in the misuse, or any attorney advising that conduct, or both, pay the reasonable expenses, including attorney fees, incurred by anyone as the result of that conduct;
- (2) An issue sanction ordering that designated facts shall be taken as established in accordance with the claim of the party adversely affected by the misuse, or one which prohibits any party engaging in the misuse from supporting or opposing designated claims or defenses;
- (3) An evidence sanction prohibiting any party engaging in misuse from introducing designated matters in evidence;
- (4) A terminating sanction striking out the pleadings or part of the pleadings of the misusing party, staying further proceedings until a discovery order is obeyed, dismissing the action (or any part of it), or rendering a judgment of default against that party.

Disobeying a court order is explicitly recognized as a “misuse of the discovery process.” (Code Civ. Proc., § 2023.010, subd. (g).) “The trial court has broad discretion in selecting discovery sanctions, subject to reversal only for abuse. The trial court should consider both the conduct being sanctioned and its effect on the party seeking discovery and, in choosing a sanction, should attempt[] to tailor the sanction to the harm caused by the withheld discovery. The trial court cannot impose sanctions for misuse of the discovery process as a punishment. (*Doppes v. Bentley Motors, Inc.* (2009) 174 Cal.App.4th 967, 992 [internal citations and quotations omitted].)

“The discovery statutes evince an incremental approach to discovery sanctions, starting with monetary sanctions and ending with the ultimate sanction of termination. ‘Discovery sanctions “should be appropriate to the dereliction, and should not exceed that which is required to protect the interests of the party entitled to but denied discovery.’ If a lesser sanction fails to

1 curb misuse, a greater sanction is warranted: continuing misuses of the discovery process warrant  
 2 incrementally harsher sanctions until the sanction is reached that will curb the abuse. ‘A decision  
 3 to order terminating sanctions should not be made lightly. But where a violation is willful,  
 4 preceded by a history of abuse, and the evidence shows that less severe sanctions would not  
 5 produce compliance with the discovery rules, the trial court is justified in imposing the ultimate  
 6 sanction.’” (*Doppes, supra*, 174 Cal.App.4th at 992 [internal citations and quotations omitted].)

7 The sanction imposed “should not exceed that which is required to protect the interests of  
 8 the party entitled to but denied discovery. Where a motion to compel has previously been  
 9 granted, the sanction should not operate in such a fashion as to put the prevailing party in a better  
 10 position than he would have had if he had obtained the discovery sought and it had been  
 11 completely favorable to his cause.” (*Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 793.)

## 12 **B. Mr. Fisch and Mr. Lu’s Motion for Sanctions**

### 13 1. *Issue Sanctions*

14 In their motion, Mr. Fisch and Mr. Lu request that the Court impose issue sanctions  
 15 against the Temujin Parties. In particular, they ask the Court to order that the following facts be  
 16 established:

- 18 ■ Ms. Chao and Mr. Ding utilized numerous identities and aliases to perform  
 19 work on behalf of Temujin including but not limited to the following: Lily  
 20 Chao, Tiffany Chen, Yuting Chen, Tiffany Lily Chen, Yang Rong, Damien  
 21 Ding, Damien Leung, Tao Ding, Damien Ray Donovan, Damien Ray  
 22 Donovan Leung, Jianrong Wang, Alex Wang, Yang Yang, and the two  
 23 Chinese character names reflected at p. 16:4-5 in the memorandum of points  
 24 and authorities;
- 25 ■ Ms. Chao and Mr. Ding utilized aliases to sign corporate documents on behalf  
 26 of Temujin, including investment documents, incorporation documents, and  
 27 employee contracts; and
- 28 ■ Ms. Chao and Mr. Ding disguised their true identities in order to mislead Mr.  
 Fisch and Mr. Lu and other third parties regarding Temujin’s business  
 ventures.

27 In order to prevail on a request for issue sanctions, the moving party must establish that  
 28 there has been a willful failure to comply with the court’s discovery order. (*Liberty Mutual Fire*

1 *Ins. Co. v. LcL Administrators, Inc.* (2008) 163 Cal.App.4th 1093, 1102.) If the moving party  
2 makes such a showing, then the burden of proof shifts to the party seeking to avoid sanctions to  
3 establish a suitable justification for her conduct. (*Corns v. Miller* (1986) 181 Cal.App.3d 195,  
4 201.)

5 An issue sanction is considered a drastic remedy, which is only appropriate when a party  
6 repeatedly and willfully fails to provide evidence to the opposing party as required by court  
7 order. (*Juarez v. Boy Scouts of America, Inc.* (2000) 81 Cal.App.4th 377, 390, disapproved on  
8 another ground by *Brown v. USA Taekwondo* (2021) 11 Cal.5th 204, 222, fn. 9.) The rationale  
9 underlying the imposition of an issue sanction is “that a persistent refusal to comply with an  
10 order for the production of evidence is tantamount to an admission that the disobedient party  
11 really has no meritorious claim....” (*Id.* at p. 390 [internal quotations omitted].)

12 Here, Mr. Fisch and Lu maintain that issue sanctions are warranted due to the Temujin  
13 Parties’ persistent refusal to comply with numerous Court orders compelling them to produce  
14 documents concerning Ms. Chao and Mr. Ding’s identities and aliases, and are also warranted  
15 because the Temujin Parties have engaged in evidence spoliation.

16 The Court agrees. On three separate occasions, the Court has unequivocally found that  
17 Mr. Fisch and Mr. Lu are entitled to documents concerning Ms. Chao’s and Mr. Ding’s identities  
18 and aliases and yet, more than eight months after this conclusion was first reached, the Temujin  
19 Parties still have not produced all of the responsive materials.

20 Despite the unambiguous nature of the Court’s August 22 Order, the Temujin Parties  
21 failed to produce responsive documents, which forced Mr. Fisch and Mr. Lu to move for ex parte  
22 relief. This resulted in the September 29 Order, wherein the Court reiterated the Temujin  
23 Parties’ obligation to produce materials concerning Ms. Chao’s and Mr. Ding’s identities and  
24 aliases. However, the Temujin Parties again failed to fully comply with the aforementioned  
25 order, providing only redacted and illegible copies of Ms. Chao’s and Mr. Ding’s drivers’  
26 licenses- that may have been doctored and did not include Chinese character names- and PDF  
27 copies of various emails, none of which identified either individuals’ use of aliases. No  
28 explanation for the redactions was provided, which were made at Ms. Chao’s direction. (See



1 Declaration of Timothy Reynolds in Support of Motion for Sanctions (“Reynolds Decl.”), ¶ 10,  
2 Exhibit I at 81:20-82:9; 91:11-15, and Exhibit J (Ding Depo.) at 82:23-83:2, 96:2-19.)

3 Mr. Fisch and Mr. Lu were once again forced to bring yet another motion to obtain what  
4 the Court had repeatedly found they were entitled to, and the Court’s November 21 Order was  
5 equally as unequivocal as its prior ones. Yet the Temujin Parties’ production was still sorely  
6 lacking, as they produced only a single page in response- an illegible and heavily redacted copy  
7 of Ms. Chao’s passport- and failed to justify the redaction. All told, the Temujin Parties have  
8 refused to comply with the Court’s prior orders to produce (1) any documents reflecting Mr.  
9 Ding’s Chinese character name; (2) legible and unredacted identification cards for Ms. Chao and  
10 Mr. Ding; and (3) documents, such as contracts or employee files, relating to Ms. Chao and Mr.  
11 Ding using their true names or aliases as employees of Temujin or while conducting business for  
12 Temujin.

13 Further, there appears to be merit to Mr. Fisch’s and Mr. Lu’s assertion that Ms. Chao  
14 and Mr. Ding have engaged in evidence spoliation. During her deposition in March 2023, when  
15 asked about the redacted driver’s license she produced, Ms. Chao claimed she no longer  
16 possessed it because she had “lost” it. (See Reynolds Decl., ¶ 10, Exhibit I at 91:18-92:5.)  
17 Then, when questioned about the heavily redacted and illegible version of the passport she  
18 produced, Ms. Chao stated that she no longer was in possession of it and supposedly sent it to  
19 China in January of 2023. (*Id.* at 83:1-11.) This testimony appears to be contrary to the  
20 declaration, dated January 3, 2023, that Ms. Chao submitted in support of a prior application for  
21 an order designating documents highly confidential when she stated that she was planning to  
22 travel back to China in the near future--how would Ms. Chao travel if she did not have her  
23 passport? (Reynolds Decl., Exhibit L at ¶ 3.) Additionally, Mr. Ding admitted in his own  
24 deposition, also in March 2023, that he had deleted potentially relevant emails from his Findora-  
25 related email addresses this year to “be on the safe side.” (*Id.*, Exhibit J at 195:5-22.) The Court  
26 finds this admission troubling.

1 All told, the Court believes that moving parties have established, based on the Temujin  
2 Parties' persistent failure to produce all responsive identity-related documents, that there has  
3 been a willful failure to comply with its discovery orders. (*Liberty Mutual Fire Ins. Co. v. LcL*  
4 *Administrators, Inc.* (2008) 163 Cal.App.4th 1093, 1102.) Consequently, the burden shifts to the  
5 Temujin Parties to establish a suitable justification for their conduct. (*Corns v. Miller* (1986) 181  
6 Cal.App.3d 195, 201.)

7 The Temujin Parties' response to all of the foregoing is to insist that they have complied  
8 with the Court's prior orders and produced all responsive documents, and to note that they have  
9 not been sanctioned for noncompliance previously. But they do not address any of the specific  
10 issues raised by the moving parties concerning the redacted and illegible copies of Ms. Chao and  
11 Mr. Dong's driver's licenses and Ms. Chao's passport that they produced, or their failure to  
12 produce documents reflecting Mr. Ding's Chinese character name and which relate to Ms. Chao  
13 and Mr. Ding using their true names or aliases as employees of Temujin or while conducting  
14 business for Temujin. Nor do they address their purported representations when the parties met  
15 and conferred in January 2023 that they would produce clearer versions of the identity  
16 documents and that they would articulate what additional identity documents would be produced  
17 by the following week. Consequently, the Temujin Parties have failed to justify their behavior.

18 The Temujin Parties emphasize that the Court issued an order on May 8, 2023, denying  
19 the opposing parties' request for further "identity" depositions of Ms. Chao and Ms. Ding. But  
20 this denial was not an endorsement of the Temujin Parties' conduct with respect to producing  
21 identify-related information for Ms. Chao and Mr. Ding; the Court opined that it appeared that  
22 Ms. Chao and Mr. Ding had provided "vague and evasive answers to many questions- or  
23 responded with hard-to-believe claims that they did not remember basic facts about their own  
24 lives." While it concluded that it did not believe issuing a "similarly vague order directing them  
25 to provide further testimony on the general subject of their identities" would be helpful and thus  
26 would not do so, it made clear that its order did not preclude "fuller" depositions of the parties in  
27 the future, most likely after the planned mid-June mediation.  
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1 Ultimately, the fact remains that repeated efforts by Mr. Fisch and Mr. Lu to obtain  
 2 information necessary to ascertain the real identities of Ms. Chao and Mr. Ding have been  
 3 regularly and willfully rebuffed by the Temujin Parties. The Court will not continue to entertain  
 4 such obstructionism by the Temujin Parties. Thus, the Court concludes that the issue sanctions  
 5 requested by the moving parties are warranted.

## 6 2. *Monetary Sanctions*

7 Mr. Fisch and Mr. Lu also request that the Court impose monetary sanctions in the  
 8 amount of \$500/day since the Court issued the September 29 Order, and an additional  
 9 \$1,500/day for each day the Temujin Parties refuse to comply with the Court's orders from the  
 10 date of the Court's decision on this motion for sanctions. The Court is not inclined to impose  
 11 these significant monetary sanctions from the issuance of the September 29 Order, given the  
 12 absence of any preceding orders imposing monetary sanctions for noncompliance. As for other  
 13 monetary sanctions, the Court does not believe such sanctions need to be imposed now, given the  
 14 substantial issue sanctions that the Court has issued. But if the information ordered to be  
 15 produced by Ms. Chao and Mr. Ding is not produced within 30 days of the date of this order, Mr.  
 16 Fisch and Mr. Lu can notice a new motion for monetary (or even terminating) sanctions, and the  
 17 Court will seriously consider it.

## 18 **C. Mr. Fu's Motion for Sanctions**

### 19 1. *Issue Sanctions*

20 In his motion, Mr. Fu requests that the Court impose issue sanctions against the Temujin  
 21 Parties pursuant to Section 2023.030, subdivision (b). Specifically, he seeks an order which  
 22 establishes and prevents the Temujin Parties from disputing that:

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- 24 ■ Ms. Chao and Mr. Ding have wrongfully used multiple aliases in the relevant  
 25 time period of this lawsuit in an effort to impede discovery, delay the  
 26 proceedings, and drive up the expense of litigation for Mr. Fu;
- 27 ■ Ms. Chao and Mr. Ding's withholding of identify information was without  
 28 legal justification;
- Ms. Chao and Mr. Ding have wrongfully used aliases in the relevant period of  
 lawsuit, including without limitation: Lily Chao, Tiffany Chen, Yuting Chen,  
 Tiffany Lily Chen, Yang Rong, Damien Ding, Damien Leung, Tao Ding,  
 Damien Ray Donovan, Damien Ray Donovan Leung, Jianrong Wang, Alex

1 Wang, Yang Yang, and the same Chinese character names as requested by  
2 Mr. Fisch and Mr. Lu;

- 3 ■ Ms. Chao and Mr. Ding utilized aliases to sign corporate documents on behalf  
4 of Temujin, including investment documents, incorporation documents, and  
5 employee contracts;
- 6 ■ Ms. Chao and Mr. Ding have unlawfully and wrongfully withheld identity  
7 information from Mr. Fu in discovery and in violation of Court orders,  
8 including by refusing to turn over identity documents, improperly redacting  
9 new identify documents, and- in the case of Ms. Chao- sending her passport  
10 out of the Country while it was subject to discovery.

11 In substance, Mr. Fu's motion is largely similarly to Mr. Fisch's and Mr. Lu's, and thus is  
12 similarly persuasive. In fact, Mr. Fu offers further details on the evasive and arguably non-  
13 credible responses provided by Ms. Chao and Mr. Ding at their depositions in response to  
14 questions concerning their identities. Ms. Chao admitted that a "friend" had redacted her  
15 passport, which she had sent to China, but refused to provide any information as to the identity  
16 of that individual. She also claimed to have lost her Hong Kong driver's license, of which only a  
17 redacted copy was provided. The absence of the redacted information, Mr. Fu explains, makes it  
18 near-impossible to locate and investigate if the name on the passport is genuine and who really  
19 Ms. Chao is. (See Declaration of John Durrant in Support of Motion for Issue, Evidence and  
20 Monetary Sanctions ("Durrant Decl."), ¶ 5, Exhibit D (Chao Depo.) at 80:6-82:10-21, 83:2-11,  
21 91:18-92:5.)

22 As for Mr. Ding, he was evasive in providing a current address and claimed not to  
23 remember the address of a residence he had lived in prior to that for many years. (Durrant Decl.,  
24 ¶ 7, Exhibit E (Ding Depo.) at 86:22-87:1, 87:21-88:8, 88:23-89:7.) He also claimed not to  
25 remember other email addresses he had used relating to Temujin and Findora, while  
26 acknowledging that such addressed had been used. (*Id.* at 193:7-14, 210:4-211:17.) Mr. Ding  
27 also initially denied having a passport, but then admitted that he had travelled to China in the  
28 past and had a passport for such travel. (*Id.*, 105:12-25, 106:1-20.) He claimed not to know  
where it was. (*Id.*, 109:22-111:17.) Mr. Ding was similarly evasive when asked who redacted  
his driver's license.

The foregoing further demonstrates willfulness on the part of the Temujin Parties' in  
refusing to produce responsive materials concerning the identities of Ms. Chao and Mr. Dao.

1 The Temujin Parties' opposition to Mr. Fu's motion is largely the same as their  
 2 opposition to Mr. Fisch's and Mr. Lu's, save for an assertion that Mr. Fu lacks standing to  
 3 request sanctions because he did not propound the discovery at issue.<sup>4</sup> But in its prior orders, the  
 4 Court did order the Temujin Parties to produce identity-related information about Ms. Chao and  
 5 Mr. Ding to Mr. Fu (who also regularly had to seek Court intervention to obtain what he was  
 6 entitled to), as well as Mr. Fisch and Mr. Lu, and thus he has been subject to the same misuse of  
 7 the discovery process experienced by them such that he too is entitled to sanctions for the  
 8 Temujin Parties' obstructionism. (See *Parker v. Wolters Kluwer United States, Inc.* (2007) 149  
 9 Cal.App.4th 285, 301 [party who did not propound discovery may obtain award of sanctions if it  
 10 shows that it suffered detriment as the result of the sanctioned party's misuse of the discovery  
 11 process].)

12 As it did with Mr. Fisch and Mr. Lu's motion, the Court concludes that Mr. Fu is entitled  
 13 to the issue sanctions requested based on the Temujin Parties' willful and continued obstruction  
 14 into efforts to ascertain information concerning Ms. Chao and Mr. Ding's true identities.

## 15 2. *Monetary Sanctions*

16 Mr. Fu also requests that the Court impose sanctions in the amount of \$500/day since the  
 17 Court issued the September 29 Order, and an additional \$1,500/day for each day the Temujin  
 18 Parties refuse to comply with the Court's orders from the date of the Court's decision on this  
 19 motion for sanctions. The Court addressed this request with regard to Mr. Fisch and Mr. Lu, and  
 20 makes the same decisions here.

## 21 3. *Terminating Sanctions*

22 As discussed above, the Court finds the conduct of Ms. Chao and Mr. Ding to be  
 23 egregious. However, the Court is not ready to take the drastic step of terminating sanctions—at  
 24 least not yet. But if the information ordered to be produced by Ms. Chao and Mr. Ding is not  
 25 produced within 30 days of the date of this order, Mr. Fu can notice a new motion for  
 26 terminating sanctions, and the Court will seriously consider it.

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27  
 28 <sup>4</sup> The Temujin Parties also note that Mr. Fu has not included a separate statement with his motion  
 papers. While true (see Cal. Rules of Court, rule 3.1345), the Court declines to deny the motion  
 on this technical basis, especially where no prejudice has been shown.

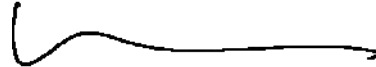
1 **III. CONCLUSION**

2 Mr. Fisch and Mr. Lu's motion for sanctions is GRANTED IN PART as to the requested  
3 issue sanctions, and DENIED WITHOUT PREJUDICE concerning monetary sanctions.

4 Mr. Fu's motion for sanctions is GRANTED IN PART as to the requested issue  
5 sanctions, and DENIED WITHOUT PREJUDICE concerning monetary and terminating  
6 sanctions.

7 **IT IS SO ORDERED.**

8 Date: **May 30, 2023**



9 \_\_\_\_\_  
10 The Honorable Sunil R. Kulkarni  
11 Judge of the Superior Court  
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